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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,064	09/16/2003	Zaki A. Khan	E59121.006	2049

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EXAMINER	
EDELL, JOSEPH F	
ART UNIT	**PAPER NUMBER**
3636	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/663,064	KHAN ET AL.	
	Examiner	Art Unit	
	JOSEPH F. EDELL	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-15 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-15 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 April 2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-9, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,179,362 B1 to Wisniewski et al. in view of JP Publication No. 406234337 to Kuroiwa et al.

Wisniewski et al. disclose a foldable seat that is basically the same as that recited in claims 1-3, 6-9, 12, and 20 except that the seat lacks a support leg and a first latch, as recited in the claims. See Figures 1-4 of Wisniewksi et al. for the teaching that the seat has a stationary anchor member 66,68,74 connected to a vehicle structural

portion, a seat cushion 40 with a side, forward, rearward, top, and bottom portions, the rearward portion being pivotably coupled to the anchor member, the seat cushion being pivotable on a first axis about the anchor member, a seatback 54 with upper and lower portions, the lower portion being pivotably coupled to the anchor member in common with the seat cushion, and the seatback being pivotable on a second axis about the anchor member, and the second axis being parallel to the first axis wherein the seat cushion is pivotable about the anchor member independently of the seatback, the seatback is pivotable about the anchor member independently of the seat cushion, the seat cushion is upwardly pivotable to a vertical position proximate and facially adjacent the seatback, the seatback is downwardly pivotable to a horizontal position proximate and facially adjacent the seat cushion, and the seatback is releaseably retained in a either a first vertical position or a second horizontal position by a latch.

Kuroiwa et al. shows a seat similar to that of Wisniewski et al. wherein the seat has an anchor member 5,6 connected to a structural portion 8 of a vehicle, a seat cushion 2 including an enclosure 15 defined by a pair of opposing side portions, opposing forward and rearward portions extending between the side portions, a top portion coupled to the side, forward, and rearward portions, and a bottom portion 16, a seatback 3 with an upper portion and a lower portion pivotably coupled to the anchor member, and a forward support leg pivotably 4 coupled to the bottom portion of the seat proximate the forward portion, the forward support leg being movable between a stowed position generally parallel with the bottom portion and within the enclosure and an extended position generally perpendicular to the seat cushion and engaging the

structural portion wherein the rearward portion of the seat cushion being pivotably coupled to the anchor member and pivotable on a first axis about the anchor member, the anchor member forming a first pivot point, the forward support leg being pivotable about a second axis pivot point spaced apart from the first pivot point and on a second pivot axis parallel to the first axis, the forward support leg automatically retracts into the stowed position when the seat cushion is pivoted upward by pulling (on belt 21 to latch part 24 in Fig. 3 or arm 38 in Fig. 7), the forward support leg automatically extends into the extended position when the seat cushion is pivoted downwardly (by gas spring 19 in Fig. 3 or arm 38 in Fig. 7), the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback, and the seatback is downwardly pivotable to a generally horizontal position proximate and facially adjacent the seat cushion. With respect to claims 6, 7, and 20, Kuroiwa et al.'s seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch 11 and the latch may be actuated by a lever 13 to release the latch to allow the seat cushion to be pivoted about the rearward portion. With respect to claim 12, Kuroiwa et al.'s seat cushion provides a visual indication when not in a retained condition by virtue of the lever 13 being rotated upwardly against the seat cushion.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Wisniewski et al. to include an enclosure defined by the side, forward, and backward portions, a forward support leg pivotably coupled to the bottom portion of the seat cushion proximate the forward portion and movable between a stowed position parallel with the bottom portion of the

seat cushion and within the enclosure and an extended position perpendicular to the seat cushion and engaging the structural portion, a first latch to releaseably retain the seat cushion in at least one position, a first lever to actuate the first latch, and a second latch to actuate the seatback latch wherein the support leg being pivotable on a third axis parallel to the first axis, the support leg automatically retracts into the stowed position when the seat cushion is pivoted upwardly, the support leg automatically extends into the extended position when the seat cushion is pivoted downwardly, the seat cushion is releaseably retained in either a first horizontal position or a second vertical position, and the seat cushion or the seatback provides a visual indication when not in a retained condition, such as the seat disclosed by Kuriowa et al. One would have been motivated to make such a modification in view of the suggestion in Kuroiwa et al. that a support leg controllable by the latch provides a seat support that automatically retracts as the seat cushion rotates upward and that the latch assembly provide releasable retention of seat member.

Claims 1, 2, 6-8, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,279,850 to Saemann et al. in view of Kuroiwa et al.

Saemann et al. disclose a foldable seat that is basically the same as that recited in claims 1, 2, 6-8, 12, and 20 except that the seat lacks a support leg and a first latch, as recited in the claims. See Figures 1-3 of Saemann et al. for the teaching that the seat has a stationary anchor member 24 connected to a vehicle structural portion, a seat cushion 27 with a side, forward, rearward, top, and bottom portions, the rearward portion being pivotably coupled to the anchor member, the seat cushion being pivotable

on a first axis about the anchor member, a seatback 52 with upper and lower portions, the lower portion being pivotably coupled to the anchor member in common with the seat cushion, and the seatback being pivotable on a second axis about the anchor member, and the second axis being parallel to the first axis wherein the seat cushion is pivotable about the anchor member independently of the seatback and the seatback is pivotable about the anchor member independently of the seat cushion, the seat cushion is upwardly pivotable to a vertical position proximate and facially adjacent the seatback, and the seatback is releaseably retained in a either a first vertical position or a second horizontal position by a latch (Fig. 5) that may be actuated by a lever to release the latch when the seatback is pivoted.

Kuroiwa et al. shows a seat similar to that of Saemann et al. wherein the seat has an anchor member 5,6 connected to a structural portion 8 of a vehicle, a seat cushion 2 including an enclosure 15 defined by a pair of opposing side portions, opposing forward and rearward portions extending between the side portions, a top portion coupled to the side, forward, and rearward portions, and a bottom portion 16, a seatback 3 with an upper portion and a lower portion pivotably coupled to the anchor member, and a forward support leg pivotably 4 coupled to the bottom portion of the seat proximate the forward portion, the forward support leg being movable between a stowed position generally parallel with the bottom portion and within the enclosure and an extended position generally perpendicular to the seat cushion and engaging the structural portion wherein the rearward portion of the seat cushion being pivotably coupled to the anchor member and pivotable on a first axis about the anchor member,

the anchor member forming a first pivot point, the forward support leg being pivotable about a second axis pivot point spaced apart from the first pivot point and on a second pivot axis parallel to the first axis, the forward support leg automatically retracts into the stowed position when the seat cushion is pivoted upward by pulling (on belt 21 to latch part 24 in Fig. 3 or arm 38 in Fig. 7), the forward support leg automatically extends into the extended position when the seat cushion is pivoted downwardly (by gas spring 19 in Fig. 3 or arm 38 in Fig. 7), the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback, and the seatback is downwardly pivotable to a generally horizontal position proximate and facially adjacent the seat cushion. With respect to claims 6, 7, and 20, Kuroiwa et al.'s seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch 11 and the latch may be actuated by a lever 13 to release the latch to allow the seat cushion to be pivoted about the rearward portion. With respect to claim 12, Kuroiwa et al.'s seat cushion provides a visual indication when not in a retained condition by virtue of the lever 13 being rotated upwardly against the seat cushion.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Saemann et al. to include an enclosure defined by the side, forward, and backward portions, a forward support leg pivotably coupled to the bottom portion of the seat cushion proximate the forward portion and movable between a stowed position parallel with the bottom portion of the seat cushion and within the enclosure and an extended position perpendicular to the seat cushion and engaging the structural portion, a first latch to releaseably retain the

seat cushion in at least one position, and a first lever to actuate the first latch wherein the support leg being pivotable on a third axis parallel to the first axis, the support leg automatically retracts into the stowed position when the seat cushion is pivoted upwardly, the support leg automatically extends into the extended position when the seat cushion is pivoted downwardly, the seat cushion is releaseably retained in either a first horizontal position or a second vertical position, and the seat cushion or the seatback provides a visual indication when not in a retained condition, such as the seat disclosed by Kuriowa et al. One would have been motivated to make such a modification in view of the suggestion in Kuroiwa et al. that a support leg controllable by the latch provides a seat support that automatically retracts as the seat cushion rotates upward and that the latch assembly provides releasable retention of seat member.

Claims 1-3, 6, 7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,418,787 to Nelson in view of Kuroiwa et al.

Nelson discloses a foldable seat that is basically the same as that recited in claims 1-3, 6, 7, 12, and 20 except that the seat lacks a support leg and first latch, as recited in the claims. See Figures 1-3 of Nelson for the teaching that the seat has a stationary anchor member A connected to a vehicle structural portion, a seat cushion C,D with a side, forward, rearward, top, and bottom portions, the rearward portion being pivotably coupled to the anchor member, the seat cushion being pivotable on a first axis C^3 about the anchor member, a seatback E,H with upper and lower portions, the lower portion being pivotably coupled to the anchor member in common with the seat cushion, and the seatback being pivotable on a second axis (passing through lower portion of rod

G) about the anchor member, and the second axis being parallel to the first axis wherein the seat cushion is pivotable about the anchor member independently of the seatback, the seatback is pivotable about the anchor member independently of the seat cushion, the seat cushion is upwardly pivotable to a vertical position proximate and facially adjacent the seatback, and the seatback is downwardly pivotable to a horizontal position proximate and facially adjacent the seat cushion to overlay the seat cushion.

Kuroiwa et al. shows a seat similar to that of Nelson wherein the seat has an anchor member 5,6 connected to a structural portion 8 of a vehicle, a seat cushion 2 including an enclosure 15 defined by a pair of opposing side portions, opposing forward and rearward portions extending between the side portions, a top portion coupled to the side, forward, and rearward portions, and a bottom portion 16, a seatback 3 with an upper portion and a lower portion pivotably coupled to the anchor member, and a forward support leg pivotably 4 coupled to the bottom portion of the seat proximate the forward portion, the forward support leg being movable between a stowed position generally parallel with the bottom portion and within the enclosure and an extended position generally perpendicular to the seat cushion and engaging the structural portion such that the rearward portion of the seat cushion being pivotably coupled to the anchor member and pivotable on a first axis about the anchor member, the anchor member forming a first pivot point, the forward support leg being pivotable about a second axis pivot point spaced apart from the first pivot point and on a second pivot axis parallel to the first axis, the forward support leg automatically retracts into the stowed position when the seat cushion is pivoted upward by pulling (on belt 21 to latch part 24 in Fig. 3

or arm 38 in Fig. 7), the forward support leg automatically extends into the extended position when the seat cushion is pivoted downwardly (by gas spring 19 in Fig. 3 or arm 38 in Fig. 7), the seat cushion is upwardly pivotable to a generally vertical position proximate and facially adjacent the seatback, and the seatback is downwardly pivotable to a generally horizontal position proximate and facially adjacent the seat cushion, the seat cushion is releasably retained in either a first generally horizontal position or a second generally vertical position by a latch 11 and the latch may be actuated by a lever 13 to release the latch to allow the seat cushion to be pivoted about the rearward portion, and the seat cushion provides a visual indication when not in a retained condition by virtue of the lever 13 being rotated upwardly against the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Nelson to include an enclosure defined by the side, forward, and backward portions, a forward support leg pivotably coupled to the bottom portion of the seat cushion proximate the forward portion and movable between a stowed position parallel with the bottom portion of the seat cushion and within the enclosure and an extended position perpendicular to the seat cushion and engaging the structural portion, a first latch to releastably retain the seat cushion in at least one position wherein the support leg being pivotable on a third axis parallel to the first axis, the support leg automatically retracts into the stowed position when the seat cushion is pivoted upwardly, the support leg automatically extends into the extended position when the seat cushion is pivoted downwardly, and the first latch may be actuated by a first lever to release the first latch when the seat cushion is to be pivoted, the seat cushion is

releasably retained in first horizontal and second vertical positions, and the seat cushion or seat back provides a visual indication when not in a retained condition, such as the seat disclosed by Kuriowa et al. One would have been motivated to make such a modification in view of the suggestion in Kuroiwa et al. that a support leg controllable by the latch provides a seat support that automatically retracts as the seat cushion rotates upward.

Claims 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Kuroiwa et al., as applied to claims 1-3, 6, 7, 12, and 20 above, and further in view of U.S. Patent No. 5,707,103 to Balk.

Nelson, as modified, discloses a seat that is basically the same as that recited in claims 4, 8, and 9 except that the seat lacks a headrest and a second latch, as recited in the claims. Balk shows a seat similar to that of Nelson wherein the seat has a seat cushion 12 (see Fig. 1), a seatback 14 releasably retained, a headrest coupled to the upper portion of the seatback, a second latch (see column 3, lines 52-62), and a second lever 62 actuating the second latch such that the seatback is downwardly pivotable to a generally horizontal position proximate and facially adjacent the seat cushion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Nelson to include a headrest coupled to the upper portion of the seatback wherein the seat member is a seat cushion, the seatback is releasably retained in at least one position by a second latch and a second lever actuates the second latch when the seatback is to be pivoted, and the seatback is releasably retained in either a first generally vertical position or a second generally

horizontal position, such as the seat disclosed by Balk. One would have been motivated to make such a modification in view of the suggestion in Balk that the lever of the seat cushion's latch and the seatback's latch configuration are well known in the art as a way to releasably retain seatbacks, and in view of the knowledge generally available to one skilled in the art that headrests coupled to the upper portion of seatbacks provide a rearward support for a user's head.

Claims 4, 10, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisniewski et al. in view of Kuroiwa et al., as applied to claim 1-3, 6-9, 12, and 20 above, and further in view of U.S. Patent No. 5,826,942 to Sutton et al.

Wisniewski et al., as modified, discloses a seat that is basically the same as that recited in claims 4, 10, 11, and 13-15 except that the seat lacks a pivoting headrest and a third latch, as recited in the claims. Sutton et al. show a seat similar to that of Wisniewski et al. wherein the seat has a seat cushion 14 (see Fig. 1), a seatback 16 pivotable to a horizontal position, a headrest 24 pivotable coupled to the upper portion of the seatback, a latch 88 (see Fig. 3) that may be actuated by lever 90 to releasably retain the headrest in a first extended position or a second stowed position, the headrest is biased to a stowed position via gravity and the spring 92 biasing the latch member 84 against flange 64 upon actuation, and the headrest is linked to the seatback via linkage such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the seatback is upwardly pivoted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of

Wisniewski et al. such that the seat includes a headrest coupled to the upper portion of the seatback and releaseably retained in at least one position by a third latch, the third latch may be actuated by a third lever to release the third latch allowing the headrest to be pivoted, the headrest is releaseably retained in either a first extended position aligned with the seatback or a second stowed position perpendicular to the seatback, the headrest is biased toward the stowed position, and the headrest is linked to the seatback such that the headrest pivotably advances toward a stowed position as the seatback is downwardly pivoted and the headrest pivotably advances toward an extended position as the seatback is upwardly pivoted wherein a passenger would be deterred from utilizing the seat when the headrest is not in the extended position, and the seatback and headrest provide a visual indication when not in a retained position by virtue of the seatback being horizontally disposed and the headrest being rotated to the stowed position, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in Sutton et al. that the horizontal seatback provides a stored position, that the headrest configuration provides an independently adjustable headrest that is controllably adjustable between an upright use position and a flat stowed position for facilitating the folding of the seatback, and that the headrest and seatback being linked provides releasing the seatback to move to the stored position upon movement of the headrest's latch.

Claims 4, 10, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saemann et al. in view of Kuroiwa et al., as applied to claims 1, 2, 6-8, 12, and 20 above, and further in view of Sutton et al.

Saemann et al., as modified, discloses a seat that is basically the same as that recited in claims 4, 10, 11, and 13-15 except that the seat lacks a pivoting headrest and a third latch, as recited in the claims. Sutton et al. show a seat similar to that of Saemann et al. wherein the seat has a seat cushion 14 (see Fig. 1), a seatback 16 pivotable to a horizontal position, a headrest 24 pivotable coupled to the upper portion of the seatback, a latch 88 (see Fig. 3) that may be actuated by lever 90 to releasably retain the headrest in a first extended position or a second stowed position, the headrest is biased to a stowed position via gravity and the spring 92 biasing the latch member 84 against flange 64 upon actuation, and the headrest is linked to the seatback via linkage such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the seatback is upwardly pivoted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Saemann et al. such that the seat includes a headrest coupled to the upper portion of the seatback and releaseably retained in at least one position by a third latch, the third latch may be actuated by a third lever to release the third latch allowing the headrest to be pivoted, the headrest is releaseably retained in either a first extended position aligned with the seatback or a second stowed position perpendicular to the seatback, the headrest is biased toward the stowed position, and the headrest is linked to the seatback such that the headrest pivotably advances toward a stowed position as the seatback is downwardly pivoted and the headrest pivotably advances toward an extended position as the seatback is upwardly pivoted wherein a passenger would be

deterred from utilizing the seat when the headrest is not in the extended position, and the seatback and headrest provide a visual indication when not in a retained position by virtue of the seatback being horizontally disposed and the headrest being rotated to the stowed position, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in Sutton et al. that the horizontal seatback provides a stored position, that the headrest configuration provides an independently adjustable headrest that is controllably adjustable between an upright use position and a flat stowed position for facilitating the folding of the seatback, and that the headrest and seatback being linked provides releasing the seatback to move to the stored position upon movement of the headrest's latch.

Claims 10, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson, as modified, in view of Balk, as applied to claims 4, 8, and 9 above, and further in view of Sutton et al.

Nelson, as modified, discloses a seat that is basically the same as that recited in claims 10, 11, and 13-15 except that the headrest lacks pivot movement and a third latch, as recited in the claims. Sutton et al. show a seat similar to that of Nelson wherein the seat has a seat cushion 14 (see Fig. 1), a seatback 16 pivotable to a horizontal position, a headrest 24 pivotable coupled to the upper portion of the seatback, a latch 88 (see Fig. 3) that may be actuated by lever 90 to releasably retain the headrest in a first extended position or a second stowed position, the headrest is biased to a stowed position via gravity and the spring 92 biasing the latch member 84 against flange 64 upon actuation, and the headrest is linked to the seatback via linkage

such that the headrest advances toward a stowed position as the seatback is downwardly pivoted and the headrest advances toward an extended position as the seatback is upwardly pivoted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seat of Nelson such that the headrest is releaseably retained in at least one position by a third latch, the third latch may be actuated by a third lever to release the third latch allowing the headrest to be pivoted, the headrest is releaseably retained in either a first extended position aligned with the seatback or a second stowed position perpendicular to the seatback, the headrest is biased toward the stowed position, and the headrest is linked to the seatback such that the headrest pivotably advances toward a stowed position as the seatback is downwardly pivoted and the headrest pivotably advances toward an extended position as the seatback is upwardly pivoted wherein a passenger would be deterred from utilizing the seat when the headrest is not in the extended position, and the seatback and headrest provide a visual indication when not in a retained position by virtue of the seatback being horizontally disposed and the headrest being rotated to the stowed position, such as the seat disclosed in Sutton et al. One would have been motivated to make such a modification in view of the suggestion in Sutton et al. that the horizontal seatback provides a stored position, that the headrest configuration provides an independently adjustable headrest that is controllably adjustable between an upright use position and a flat stowed position for facilitating the folding of the seatback, and that the headrest and seatback being linked provides releasing the seatback to move to the stored position upon movement of the headrest's latch.

Response to Arguments

Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection. The previous 35 U.S.C. 112, first paragraph, rejection of claims 1-4, 6-15, and 20 has been withdrawn in view of Applicant's claim amendment. Applicant's claim amendment, and not Applicant's arguments, resulted in the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
April 16, 2010